

## **WORKERS' COMPENSATION INDUSTRIAL COUNCIL**

**JUNE 23, 2016**

Minutes of the meeting of the Workers' Compensation Industrial Council held on Thursday, June 23, 2016, at 1:00 p.m., Offices of the West Virginia Insurance Commissioner, 900 Pennsylvania Avenue, Room 912, Charleston, West Virginia.

### **Industrial Council Members Present:**

Bill Dean, Chairman  
Kent Hartsog, Vice-Chairman  
James Dissen (via telephone)  
Dan Marshall  
Sydney Thornhill-Brown (via telephone)

### **1. Call to Order**

Chairman Bill Dean called the meeting to order at 1:00 p.m.

### **2. Approval of Minutes**

Chairman Bill Dean: The May 5, 2016 minutes were sent out. Did everybody have a chance to look them over? Is there a motion for approval?

Kent Hartsog: So moved.

Dan Marshall: Second.

Chairman Dean: A motion has been made and seconded to approve the minutes as stated. Question on the motion? All in favor, "aye." All opposed? The ayes have it.

### **3. Office of Judges' Report – Alan Drescher, Deputy Chief Administrative Law Judge**

Judge Alan Drescher: Good afternoon. As you can tell, I'm not Judge Roush. She is out of the country right now. She and her daughter are with an organization called United Planet. They are in Chile teaching English to grade school age children. It's an interesting trip I'm sure.

As far as our report goes, there is nothing of any significance that I can tell. The trends continue as they have been. We acknowledged 286 protests in May. For the first five months of this year we have acknowledged 1,429 protests, so that is a little under 300 a month, which again would be a decrease from the prior year.

On our pending caseload, the numbers have also decreased. If you look on page six of our report you can see the comparisons during the month of May for the past four years plus this year, and it has gone down every year. We are keeping up with what we have, and it is going down. Other than that, I really don't have anything of significance in the report, but I'd be happy to address any questions.

Chairman Dean: Mr. Hartsog, do you have any questions?

Kent Hartsog: No, sir, I don't.

Chairman Dean: Mr. Marshall?

Dan Marshall: No, sir.

Chairman Dean: Ms. Brown, I don't know if you got a chance to look at the report or not. Any questions for Judge Drescher?

Sydney Thornhill-Brown: I've got it in front of me. I'm good.

Chairman Dean: Mr. Dissen, do you have any questions, sir?

James Dissen: No, sir.

Chairman Dean: Very good. Thank you, sir.

Judge Drescher: I also wanted to mention that we have two Administrative Law Judges retiring this summer – one at the end of June, and one at the end of July. We've got to figure out if we want to replace one or both, but we are working on that.

Chairman Dean: Very good. We appreciate it.

#### **4. General Public Comments**

Chairman Dean: We'll move onto general public comments. Does anybody from the general public have a comment they would like to make today? [No comments.]

**5. Old Business**

Chairman Dean: We'll move onto old business. I've got something that I'd like to bring up under old business? Mr. Dissen asked about a Resolution for Employee Appreciation Week for the people who work at the Office of Judges. I'd like to read it.

**Employee Appreciation Week**  
**Offices of the West Virginia Insurance Commissioner**

On this day, the West Virginia Workers' Compensation Industrial Council met and found the following:

**WHEREAS**, May 2, 2016 through May 6, 2016 is designated Employee Appreciation Week; and

**WHEREAS**, the West Virginia Workers' Compensation Industrial Council wishes to recognize the employees of the Offices of the Insurance Commissioner and the Office of Judges; and

**WHEREAS**, the West Virginia Workers' Compensation Industrial Council made and approved a motion for a Resolution stating as such.

**THEREFORE, IT BE RESOLVED** that on behalf of the West Virginia Workers' Compensation Industrial Council, they would like to offer their thanks and appreciation to the employees of the Offices of the West Virginia Insurance Commissioner and Office of Judges for their service, and congratulations to the employees that received their service awards, and to offer their condolences to the family of Shirley Parrish for her three decades of dedicated and faithful service to the State of West Virginia. The West Virginia Workers' Compensation Industrial Council hereby approves the recommendation to honor the employees of the Offices of the West Virginia Insurance Commissioner.

Adopted this 23<sup>rd</sup> day of June, Two Thousand and Sixteen.

Chairman Dean: Is there a motion to approve the Resolution as stated?

Dan Marshall: So moved.

Kent Hartsog: Second.

Chairman Dean: A motion has been made and seconded. Question on the motion? All in favor "aye." All opposed, "nay." The ayes have it. It is adopted.

Does anybody from the Industrial Council have anything they would like to bring up under old business? Mr. Hartsog, would you like to bring anything up, sir?

Kent Hartsog: No.

Chairman Dean: Mr. Marshall?

Dan Marshall: No, sir.

Chairman Dean: Ms. Brown, would you like to bring up anything up under old business?

Sydney Thornhill-Brown: No, thank you.

Chairman Dean: Mr. Dissen?

James Dissen: No, sir.

Chairman Dean: Commissioner?

Commissioner Michael Riley, OIC: No, sir.

Chairman Dean: Mr. Pauley?

Andrew Pauley, General Counsel, OIC: Just the update on the Safety Report. Mr. Chairman, the Safety Report is due to the Legislature by next Friday. We have circulated a draft copy to everyone, and we intend to work on that in Executive Session and take any additional comments from the Council. We hope to get all of those [comments] implemented in the report, and send out a "final" copy to the Council early next week for a last ditch "hold the press" type thing. Unless there are any issues, we will finalize it and get it submitted to the Legislature. That's where we're at on that.

Chairman Dean: Very good, sir.

Mr. Pauley: I should mention we have Mr. Brandon Takacs here with us today from West Virginia University Safety and Health Extension, and he will be able to answer some questions also.

Chairman Dean: Very good. Thank you. Is there anything else that needs to be brought up under old business?

## **6. New Business**

Chairman Dean: We'll move onto new business. Does anybody from the Industrial Council have anything they would like to bring up under new business? Mr. Hartsog?

Kent Hartsog: No.

Chairman Dean: Mr. Marshall?

Dan Marshall: No, sir.

Chairman Dean: Ms. Brown, would you like to bring up anything up under new business?

Sydney Thornhill-Brown: No, sir.

Chairman Dean: Mr. Dissen?

James Dissen: No, sir.

Chairman Dean: Commissioner?

Commissioner Michael Riley, OIC: No, sir.

Chairman Dean: Mr. Pauley?

Mr. Pauley: No, sir.

**7. Next Meeting**

Chairman Dean: The next meeting will be Thursday, July 21, 2016 at 1:00 p.m. Does that meet with everybody's schedule? Very good. Mr. Dissen, is July 21 okay with you?

Mr. Dissen: Yes, sir, it is.

Chairman Dean: Ms. Brown?

Ms. Thornhill-Brown: Yes.

**8. Executive Session**

Chairman Dean: The next order of business is the Executive Session. The next item on the agenda is related to self-insured employers. These matters involve discussion as specific confidential information regarding a self-insured employer that would be exempted from disclosure under the West Virginia Freedom of Information Act pursuant to West Virginia Code §23-1-4(b). Therefore it is appropriate that the discussion take place in Executive Session under the provisions of West Virginia Code §6-9A-4. If there is any action taken regarding these specific matters for an employer this will be done upon reconvening of the public session. Is there a motion to go into Executive Session?

Mr. Marshall made the motion to go into Executive Session. The motion was seconded by Mr. Hartsog and passed unanimously.

[The Executive Session began at 1:10 p.m. and ended at 1:28 p.m.]

Chairman Dean: We will now resume the regular session of the Industrial Council. Is there anything that anybody would like to bring up under the regular session of the Industrial Council before we adjourn? Mr. Hartsog?

Kent Hartsog: No.

Chairman Dean: Mr. Marshall?

Dan Marshall: No, sir.

Chairman Dean: Ms. Brown?

Ms. Thornhill-Brown: No, thank you.

Chairman Dean: Mr. Dissen?

Mr. Dissen: No, sir.

Chairman Dean: Commissioner?

Commissioner Riley: No, thank you.

Chairman Dean: Mr. Pauley?

Andrew Pauley: Just briefly. There was a discussion at the last meeting about having some [staff] people make presentations about what we do, and those type of things. That did not fall on deaf ears, and we're looking into that. We are planning to have presentations for the Council on what the OIC people do so other questions can be asked.

Chairman Dean: Very good. If there is no other business, is there a motion for adjournment?

Mr. Hartsog made the motion to adjourn. The motion was seconded by Mr. Marshall and passed unanimously.

There being no further business the meeting adjourned at 1:30 p.m.